

REMARKS

The rejection of the claims under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of US Patent No. 6,664,270 is respectfully traversed. The Examiner states:

“---Applicants have indicated that the terminal disclaimer --- overcomes the present rejection. However, the terminal disclaimer is directed solely to U.S. Patent No. 6,458,795. Insofar as the present rejection is based upon U.S. Patent No. 6,664,270 and a terminal disclaimer directed to this patent has not, in fact, been filed, the rejection remains proper---” (paragraph bridging pages 2 and 3 of the Official Letter).

Attention is drawn to the fact that a Terminal Disclaimer directed toward U.S. Patent No. 6,664,270 was indeed filed with the previous response. Attached hereto are copies of the following documents that demonstrate that the Terminal Disclaimer was, in fact, filed on April 26, 2004:

1] The Return Postcard, date stamped April 26, 2004, by the USPTO, acknowledging receipt of the Terminal Disclaimer for USP No. 6,664,270 and Check No. 11448 for \$110.00 (Exhibit A).

2] The response filed April 26, 2004 together with the Terminal Disclaimers for USP No. 6,664,270 and USP No. 6,458,795 (Exhibit B).

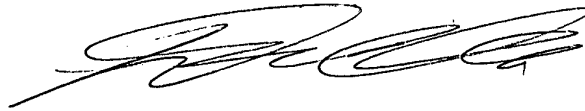
Inasmuch as applicant has demonstrated that the previous response did, in fact, overcome the above-stated ground of rejection, withdrawal of this ground of rejection is respectfully requested.

Appln. Serial No. 10/673,227
Reply to Office Action mailed May 10, 2004

Applicants have earnestly endeavored to place this application in condition for allowance and an early action to that end is respectfully requested.

Respectfully submitted,

MILES & STOCKBRIDGE

A handwritten signature in black ink, appearing to read 'Dennis P. Clarke', with a stylized, cursive script.

Dennis P. Clarke
Registration No. 22,549

Date: June 8, 2004

Customer No. 000181

1751 Pinnacle Drive
Suite 500
McLean, Virginia 22102-3833
Telephone: (703) 903-9000
Facsimile: (703) 610-8686